



UNITED STATES PATENT AND TRADEMARK OFFICE

JFW

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,080	10/29/2003	Gerard J. Matern	LGPL	5934

7590 04/25/2006
SHOOK, HARDY & BACON, L.L.P.
Attention: Mr. Scott B. Strohm
One Kansas City Place
1200 Main Street
Kansas City, MO 64105-2118

EXAMINER

KRAUSE, JUSTIN MITCHELL

ART UNIT PAPER NUMBER

3682

DATE MAILED: 04/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/696,080		MATERN ET AL.	
	Examiner		Art Unit	
	Justin Krause		3682	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 1-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| <p>✓ 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>✓ 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date <u>10/29/03</u></p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6) <input type="checkbox"/> Other: _____</p> |
|---|---|

DETAILED ACTION

1. Applicant's election without traverse of Invention II and Species I in the reply filed on February 15, 2006 is acknowledged.
2. Claims 1-23 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed February 23, 2006.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 23-30 are rejected under 35 U.S.C. 102(b) as anticipated by Miotto (US Patent 6,213,552).

Miotto discloses a chair adjustment mechanism comprising:

- A cam (254) rotatable between a first position (Fig 9) and a second position (Fig 10);
- a bearing member (228) perpetually bearing against said cam;
- a join between the cam and bearing member such that rotation of the cam between the first and second positions translates the bearing member (shown by figures 9 and 10)

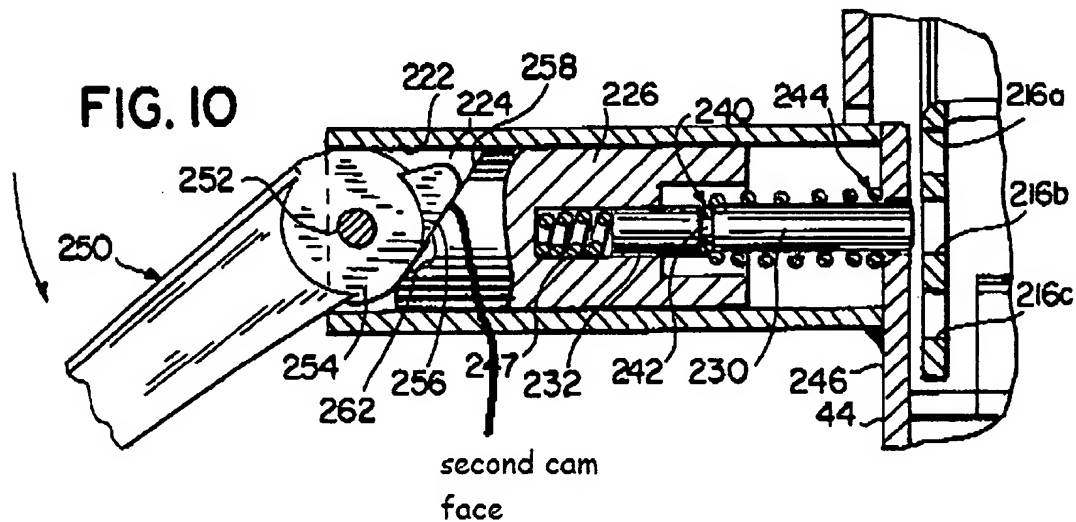
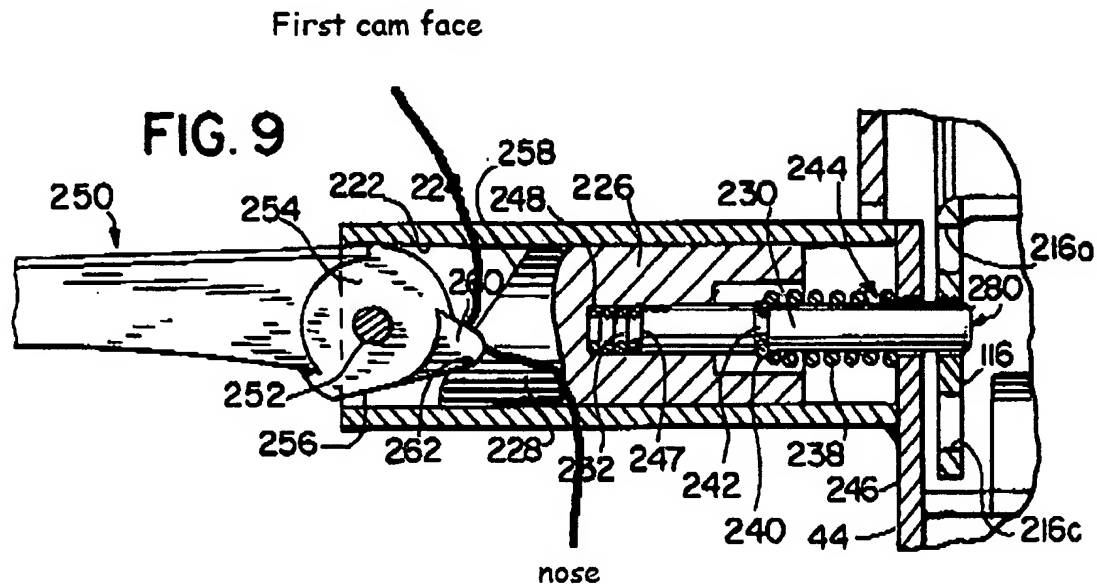
Regarding claim 24, the join comprises an indentation (262) on the bearing member and a protuberance (260) on the cam.

Regarding claim 25, the cam has a nose, the protuberance is located at the nose.

Regarding claim 26, an abutment (246) is perpetually bearing against a side of the bearing member opposite the cam.

Regarding claim 27, the bearing member is a bearing plate.

Regarding claim 28, when the cam is in the first position, a first cam face abuts the bearing plate, when the cam is in a second position, a second cam face abuts the bearing plate, said nose being between the first and second cam faces. (see Figure below)



Regarding claim 29, the cam is rotatably fixed on a pivot (252).

Regarding claim 30, the bearing member has a surface (258) engaging the cam and an opposite surface slidably engaging an abutment.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin Krause whose telephone number is 571-272-3012. The examiner can normally be reached on Monday - Friday, 7:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMK

4/20/06



RICHARD RIDLEY
SUPERVISORY PATENT EXAMINER

FORM PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION <i>(Use several sheets if necessary)</i>	Docket Number (Optional) LGPL	Application Number 10/696,080
	Applicant Gerard J. Matern and Arthur A. Patton	
	Filing Date	Group Art Unit 3682

U.S. PATENT DOCUMENTS						
EXAMINER INITIALS	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
JMK	4,373,692	Feb. 15/1983	Knoblauch et al.	248	162.1	
	5,356,200	Oct. 18/1994	Stumpf et al.	297	328	
	5,676,425	Oct. 14/1997	Pernicka	297	374	
	5,863,099	Jan. 26/1999	Hancock	297	374	
	6,116,695	Sep 12/2000	Heidmann et al.	297	463.1	
	6,174,031	Jan. 16/2001	Lindgren et al.	297	463.1	
	6,193,314	Feb. 27/2001	Chiang	297	301.7	
	6,213,552	Apr. 10/2001	Miotto	297	300.5	
	6,224,155	May 1, 2001	DeKraker et al.	297	344.12	
	6,394,550	May 28, 2002	Liu	297	374	
	6,467,845	Oct 22/2002	Chen	297	374	

FOREIGN PATENT DOCUMENTS							
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION	
						YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		
EXAMINER:	DATE CONSIDERED: 4/19/06	
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.		

Notice of References Cited	Application/Control No. 10/696,080	Applicant(s)/Patent Under Reexamination MATERN ET AL.	
	Examiner Justin Krause	Art Unit 3682	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,213,552	04-2001	Miotto, Beniamino	297/300.5
*	B	US-6,467,845	10-2002	Chen, Su-Ming	297/374
*	C	US-2003/0001417	01-2003	Moreschi, Sergio	297/300.5
*	D	US-5,676,706	10-1997	Akram et al.	8/416
*	E	US-5,588,706	12-1996	Neumueller et al.	297/374
*	F	US-5,863,099	01-1999	Hancock, William John	297/374
*	G	US-1,893,217	01-1933	BABITCH ABRAHAM M	74/53
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

TC 3600

KNOX

Organization Bldg./Room

U. S. DEPARTMENT OF COMMERCE

COMMISSIONER FOR PATENTS

P.O. BOX 1450

ALEXANDRIA, VA 22313-1450

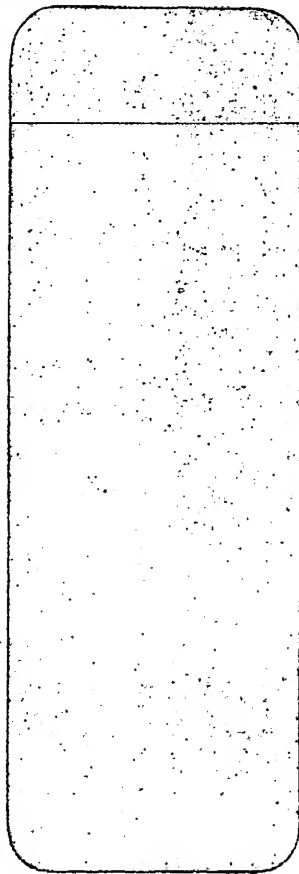
IF UNDELIVERABLE RETURN IN TEN DAYS

OFFICIAL BUSINESS

AN EQUAL OPPORTUNITY EMPLOYER



02 1A \$ 00.87
0004204479 APR 25 2006
MAILED FROM ZIP CODE 22314



ATTEMPTED,
NOT KNOWN



RECEIVED
MAY 05 2006
USPTO MAIL CENTER